

1 Joe Shaeffer, WSBA #33273
2 MacDonald Hoague & Bayless
3 On behalf of The American Civil Liberties
4 Union of Washington Foundation
5 705 Second Avenue, Suite 1500
6 Seattle, WA 98104-1745
7 206-622-1604

8 Katherine M. Forster, CA Bar #217609
9 Munger Tolles & Olson LLP
10 350 South Grand Avenue, 50th Floor
11 Los Angeles, CA 90071
12 (213) 683-9538

Honorable Thomas O. Rice

11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF WASHINGTON AT RICHLAND

13 JOHN DOE 1; JOHN DOE 2; JANE DOE
14 1; JANE DOE 2; JANE DOE 3; and all
15 persons similarly situated,

16 Plaintiffs,

17 v.

18 WASHINGTON STATE DEPARTMENT
19 OF CORRECTIONS; CHERYL
20 STRANGE, Secretary of The Department
21 of Corrections, in her official capacity,

22 Defendants.

NO. 4:21-cv-05059-TOR

Declaration of Danny Waxwing

23
24 I, Danny Waxwing, declare as follows:

25 1. I am admitted to practice before all of the courts of the State of
26 Washington and this Court. I am an attorney at Disability Rights Washington and
27 counsel of record for Plaintiffs in the above-captioned matter. I have personal
28

1 knowledge of the facts set forth in this declaration, and, if called as a witness, I
2 could and would testify competently to the matters set forth here.

3 2. On January 30, 2023, Defendants made a document production in this
4 case. I reviewed the entire production.

5 3. Included in that production as DEFS5835 to DEFS16766 are records
6 relating to DOC public records request P-12404. I have prepared a PDF extract of
7 records from this production with my own yellow highlights appended to mark areas
8 of particular significance. That document is attached as **Exhibit A**.

9 4. While reviewing the entire January 30, 2023 production, I noted at least
10 53 instances of failures to withhold protected information and 21 separate class
11 members whose transgender status was disclosed.
12
13
14

15 I declare under penalty of perjury under the laws of the United States of
16 America that the foregoing is true and correct.

17 Executed on this 7th day of February, 2023, at Seattle, Washington
18
19

20 
21

22 _____
Danny Waxwing, WSBA # 54225
23
24
25
26
27
28